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Such resolution is competent as bearing on its negligence, even though defendant was not relieved of duty to keep street in repair by reason of action of city. *Snell v. Ry. Co.*, 19 N. Y. Sup. 476. The dissenting judges argue from *Conway v. Rochester*, 51 N. E. 395, that Ry. statute is mandatory and city has no authority to relieve Ry. Co. of its duty but only to supervise. Defendant is also negligent for stopping car opposite the hole. *Wolf v. Ry. Co.*, 74 N. Y. Sup. 336.

NEGLIGENCE—WALLS OF BURNED BUILDING—CARE REQUIRED OF OWNER—DAMAGES.—*AINSWORTH v. LAKIN*, 62 N. E. 746 (Mass.).—*Held*, where walls of a burned building, which could not be used in rebuilding, were left standing without any precaution being taken to prevent their falling, the owner, after a reasonable time in which to take such steps jury from the wall, is liable for all damages caused thereby.

Any person who for his own purpose brings on his land and collects and keeps anything likely to do mischief if it escapes, must keep it in at his peril. *Fletcher v. Rylands*, L. R. 3 H. L. 330. This rule has been applied to cess-pools, *Ball v. Nye*, 99 Mass. 582; to artificial reservoirs, *Gray v. Harris*, 107 Mass. 492; to accumulation of snow and ice upon a building by reason of the shape of its roof, *Shipley v. Fifty Associates*, 106 Mass. 194; and to an ordinary wall; *Gorham v. Gross*, 125 Mass. 232; *Channtler v. Robinson*, 4 Exch. 163. The only exceptions to the liability which have been judicially recognized are in cases of the plaintiff's own fault, or acts of God, or acts of third persons, which the owner had no reason to anticipate.

RES JUDICATA—EQUITABLE RELIEF—COMMERCIAL UNION ASSUR. CO., LIMITED, v. NEW JERSEY RUBBER CO., 51 Atl. Rep. 451 (N. J.).—Insurance company issued policy with agreement that other concurrent insurance should be procured and so distributed that liability under said policy should be for a proportionate part only of any given item of loss. After occurrence of fire loss, such proportionate part of indemnity was tendered, policy was canceled and unearned premium returned. Insured, having failed to procure the agreed concurrent insurance, brought action at law on policy which was allowed to proceed to judgment, this being that validity of policy had been recognized by cancellation. *Held*, that such adjudication did not make liability on policy *res judicata* so as to prevent court of equity from entertaining bill of relief, for the matter *in pais* had different significance in court of law from that in court of equity. Gummere, C. J., and Fort, Pitney, Adams, and Vredenburg, J. J., dissenting.

This decision draws a distinction between those judgments at law as to matter which has the same significance in courts of law and of equity, and those as to matter having different significance in the two courts. It expresses a broader and more just rule of law than the strict rule admitting no such distinction followed in *Hendrickson v. Hinckley*, 58 U. S. (17 How.) 443; *Breckenridge v. Peter*, Fed. Cas. No. 1,825 (4 Cranch, C. C. 15).

TRADE-NAMES—SUIT AGAINST CORPORATIONS FOR INFRINGEMENT—THE PECK BROS. & CO. v. PECK BROS. ET AL., 113 FED. REP. 291 (C. C. A.).—The fact that a corporation has been chartered by a State under a certain name, which it selected, does not afford it immunity from a suit in a Federal Court